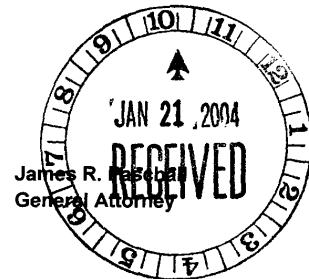




Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242



Writer's Direct Dial Number

(757) 629-2759

January 21, 2004

TRANSPORTATION BOARD

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

ENTERED
Office of Proceedings
JAN 21 2004

Part of
Public Record

209907

Re: STB Docket No. AB-859 (Sub-No. 1X), Pennsylvania Lines, LLC –
Abandonment – STB Docket No. AB-290 (Sub. No. 245X), Norfolk
Southern Railway Company – Discontinuance of Service - Between
Hellertown and Bethlehem, Pennsylvania – Notice of Exemption

209906

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also, enclosed are two checks, one in the amount of \$5400 and another in the amount of \$200 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

FILE RECEIVED
JAN 21 2004
SURFACE
TRANSPORTATION BOARD

FILED

... 21 2004

OFFICE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-859 (SUB-NO. 1X)

PENNSYLVANIA LINES LLC

-- ABANDONMENT --

DOCKET NO. AB-290 (SUB-NO. 245X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF SERVICE --

BETWEEN HELLERTOWN AND BETHLEHEM,
IN NORTHAMPTON COUNTY, PENNSYLVANIA



NOTICE OF EXEMPTION

COME NOW Pennsylvania Lines LLC ("PRR"), a wholly owned subsidiary of Consolidated Rail Corporation ("CRC") and leased to Norfolk Southern Railway Company ("NSR"), and Norfolk Southern Railway Company ("NSR"), and file this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for PRR's abandonment and NSR's discontinuance of service of the line of railroad lying between Milepost EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Pennsylvania.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board

("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, PRR and NSR state as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of NSR General Manager D. A. Brown confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years, (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between Milepost EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Pennsylvania, will be March 11, 2004.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The parties filing this notice are Pennsylvania Lines LLC, a wholly owned subsidiary of Consolidated Rail Corporation, and Norfolk Southern Railway Company, common carriers by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is authority for PRR's abandonment and NSR's discontinuance of service of the line. The line for which the abandonment and discontinuance of service authority is sought consists of 3.70 miles of track between Mileposts EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Pennsylvania. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 18015, 18016, 18017, 18018, 18020, 18025 and 18055.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

PRR and NSR have received no inquiries about public use of the right of way underlying the line segment to be abandoned and are unaware of any potential public purposes to which the right of way may be suited. PRR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, PRR has not yet fully researched the matter. To the extent of its title, PRR will deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, PRR and NSR believe no employees will be adversely affected by exercise of abandonment and discontinuance of service authority for this line. However, as a condition to exercise of the authority permitted in this matter, PRR and NSR will accept

the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. PRR and NSR certify that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, PRR and NSR believe the proposed rail line abandonment and discontinuance of service are exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and request that the Board serve the appropriate notice.

Respectfully submitted,

PENNSYLVANIA LINES LLC
NORFOLK SOUTHERN RAILWAY
COMPANY



C. W. MOORMAN
Senior Vice President-Corporate Planning
and Services

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Dated: January 21, 2004

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

C. W. Moorman, being duly sworn, deposes and says that he is Senior Vice President-Corporate Planning and Services of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-859 (Sub-No. 1X) on behalf of Pennsylvania Lines LLC and in AB-290 (Sub-No. 245X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

C. W. Moorman
C. W. Moorman

Subscribed and sworn to before me
this 21st day of January, 2004.

Kathy E. Healdick
Notary Public

My commission expires:

6/30/04

[SEAL]

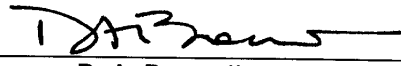
CERTIFICATION

COMMONWEALTH OF PENNSYLVANIA:

SS:

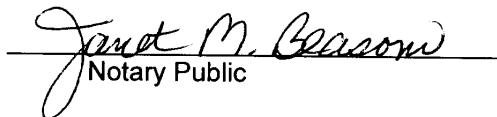
COUNTY OF DAUPHIN :

D. A. Brown II makes oath and says that he is General Manager Northern Region for Pennsylvania Lines LLC and Norfolk Southern Railway Company; that the line between Milepost EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Pennsylvania, over which operations are to be abandoned and service discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



D. A. Brown II

Subscribed and sworn to before me
this 18 day of August, 2003.


Notary Public

My commission expires:

Notarial Seal Janet M. Beason, Notary Public City of Harrisburg, Dauphin County My Commission Expires Apr. 25, 2005
--

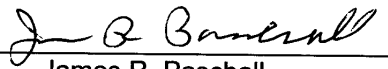
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. William Shane, Chairman, Pennsylvania Public Utility Commission; the United States Department of Defense (MTMCTEA); Regional Director-National Park Service; National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on January 21, 2004, by first class mail, postage prepaid.

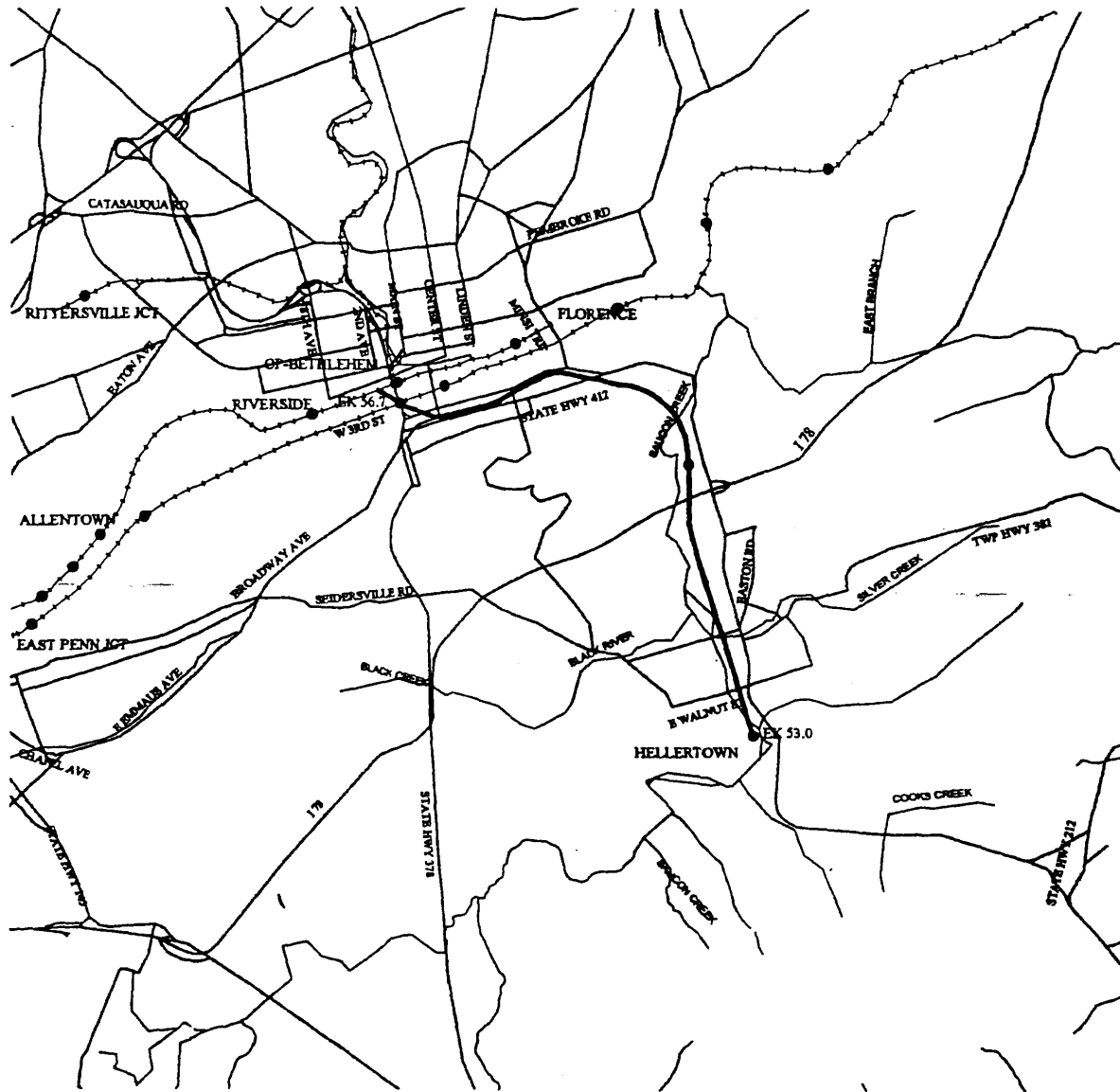

James R. Paschall

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in The Morning Call, Allentown, Pennsylvania, on December 19, 2003 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: January 21, 2004



0 0.5 1 1.5 2 2.5 3 3.5 Miles

NS NORFOLK SOUTHERN

Owning Company

Office of Chief Engineer - Design & Construction Atlanta, Ga

Rev.	By	Date	Description
Location Hellertown to Bethlehem, PA			
Title Proposed Abandonment: Saucon R.T.: EK 53.0 - 55.7 Bethlehem Sec.: EK 55.7 - 56.7			
Dgn	Val Sec	Map	Mile Post
Dwn RPD	File 188 - 24		Drawing Number
Chk	Date May 30, 2001		TA00 - 0157

CADD File
Field Book

Sheet 1 of 1

EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP EK-53.0 AND MP EK-56.7
HELLERTOWN TO BETHLEHEM, PENNSYLVANIA)**

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

**1-9-15-04
4-02-03**

(HEBEER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 3.70 miles of track between MP EK-53.0 and MP EK-56.7 from Hellertown to Bethlehem, Pennsylvania.

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NS) proposes to abandon 3.70 miles of rail line in Bethlehem, Pennsylvania. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

Were the line not conveyed in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and cross-ties. However, this would eliminate the long-term environmental and social benefits.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves 3.70 miles of rail line in Bethlehem, Pennsylvania. The land use along the rail line proposed for abandonment is 40% industrial, 40% commercial, and 20% residential. Where NS owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where NS does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, NS believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

- (ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

- (iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NS does not have fee title to all of the ROW underlying the line proposed for abandonment; therefore, NS will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads NS to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

The State of Pennsylvania, Northampton County, the City of Bethlehem, the Boroughs of Fountain Hill and Hellertown do not have established analysis thresholds for air emissions; however, the state of Pennsylvania does have regulations regarding the emission of fugitive dust to ambient air. These regulations are published in 25 Pa. Code §123.1 and are provided in **Appendix B**. United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NS does not anticipate any adverse effect on Pennsylvania's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Northampton County, PA, Hellertown Borough, Fountain Hill Borough, and the City Of Bethlehem are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Northampton County, PA, is non-attainment for ozone. NS does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither the state of Pennsylvania Northampton County, nor the Borough of Hellertown have established analysis thresholds for noise. The Borough of Fountain Hill has a zoning ordinance that regulates noise, but it is not applicable in the case of transportation operations. The City of Bethlehem has established analysis thresholds for noise that are summarized in Table I, and detailed in **Appendix C**.

**TABLE I
NOISE REGULATIONS
BETHLEHEM, PENNSYLVANIA**

Land Use	Daytime (a)	Nighttime (b)
Industrial	75 dBA	75 dBA
Commercial	67 dBA	62 dBA
Institutional	60 dBA	55 dBA
Residential	60 dBA	55 dBA

- a. A-weighted Sound Level maximum allowed for the period 7:00 am to 10:00 pm.
b. A-weighted Sound Level maximum allowed for the period 10:00 pm to 7:00 am.

7. **SAFETY**

(i) **Public Health and Safety**

Abandonment of the captioned rail line will have no significant effect upon public health or safety. At grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) **Hazardous Materials Transport**

Not applicable. Action proposed is abandonment.

(iii) **Hazardous Waste or Hazmat Spill Sites**

NS has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies. Potential hazardous materials/waste sites identified near the area of the proposed discontinuance are listed here and detailed in **Appendix D**.

- a. Lehigh Heavy Forge Corporation, located east of milepost EK 56.0
- b. Philadelphia Bethlehem & New England RR Co., located near milepost EK 55.8
- c. Bethforge Inc., located near milepost 55.8
- d. Conrail Allentown PA Yard Car Caboose (*sic*), located near milepost EK 56.5
- e. Zarnas, G. C. & Company, Inc., located near milepost EK 56.5
- f. Bethlehem Structural Products Corporation, located near milepost EK 56.3
- g. Bethlehem Steel, located near milepost EK 56.3
- h. Lehigh Heavy Forge Corporation, located near milepost EK 56.3
- i. Bethlehem Steel Corporation, Structural Products Division, located near milepost EK 56.4
- j. Bethlehem Steel Corporation, Bethlehem Plant, located near milepost EK 56.4
- k. W.S. Reichenbach & Sons Inc., located near milepost EK 56.4
- l. Mobile Oil Corporation, SS# Division, located near milepost EK 56.5
- m. Crystal Signatures, located near milepost EK 56.5
- n. Petrilla Fuel, located near milepost EK 56.6
- o. Szilagyi Fuel, located near milepost EK 55.4
- p. Paul B. Wood Tires, located near milepost EK 55.4
- q. Abdouche Prop., located near milepost EK 56.0
- r. Szeps Dairy, located near milepost EK 56.2
- s. Power Printing, located near milepost EK 56.4
- t. St. John Capistrano Parish, located near milepost EK 56.2
- u. Hess 38425, located near milepost EK 56.4
- v. Sokalsky Residence, located near milepost EK 56.6
- w. Mansfield Fuel Oil Bulk Plant, located near milepost EK 54.2
- x. Bethlehem Apparatus Comp. Inc., located near milepost EK 53.8

- y. Hellertown Manufacturing Company, located near milepost EK 55.0
- z. "Minsi Trail", located in Bethlehem.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) has indicated that the "proposed project is within the known range of the bog turtle (*Clemmys muhlenbergii*), a species that is federally listed as threatened" and occurs in wetland areas. No wetlands were observed, however, during site investigations. The USFWS has also provided a list of threatened and endangered species known to occur in Pennsylvania. The Pennsylvania Natural Diversity Inventory has indicated several endangered and/or threatened species that may occur in Northampton County. Detailed information is provided in **Appendix E** and summarized in Table II below:

**TABLE II
ENDANGERED AND/OR THREATENED SPECIES
NORTHAMPTON COUNTY PENNSYLVANIA**

	Scientific Name	Common Name	Federal Status	State Status
Plants	<i>Carex tetanica</i>	A Sedge	--	LT
	<i>Carex prairea</i>	Prairie sedge	--	LT
	<i>Myriophyllum sibiricum</i>	Northern water-milfoil	--	LE
	<i>Arabis hirsute</i>	Western hairy rock-cress	--	LE

LE - Listed Endangered
 LT- Listed Threatened
 -- Not Applicable

NS is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be

handled generally within the ROW, NS does not believe that any endangered species that might be present would be adversely affected. NS is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any city parks, state parks/forests, national parks/forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, national park, state park, or city park are anticipated.

9. WATER

(i) Water Quality Standards

NS does not intend to either remove or appreciably alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NS considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The section of rail line proposed for abandonment terminates approximately 20 feet prior to the bridge crossing the Lehigh River, but crosses Silver Creek and Saucon Creek, and passes through 100-year flood plains and wetlands associated with these three waterways. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or wetlands are expected in connection with the proposed abandonment. Consequently, NS does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

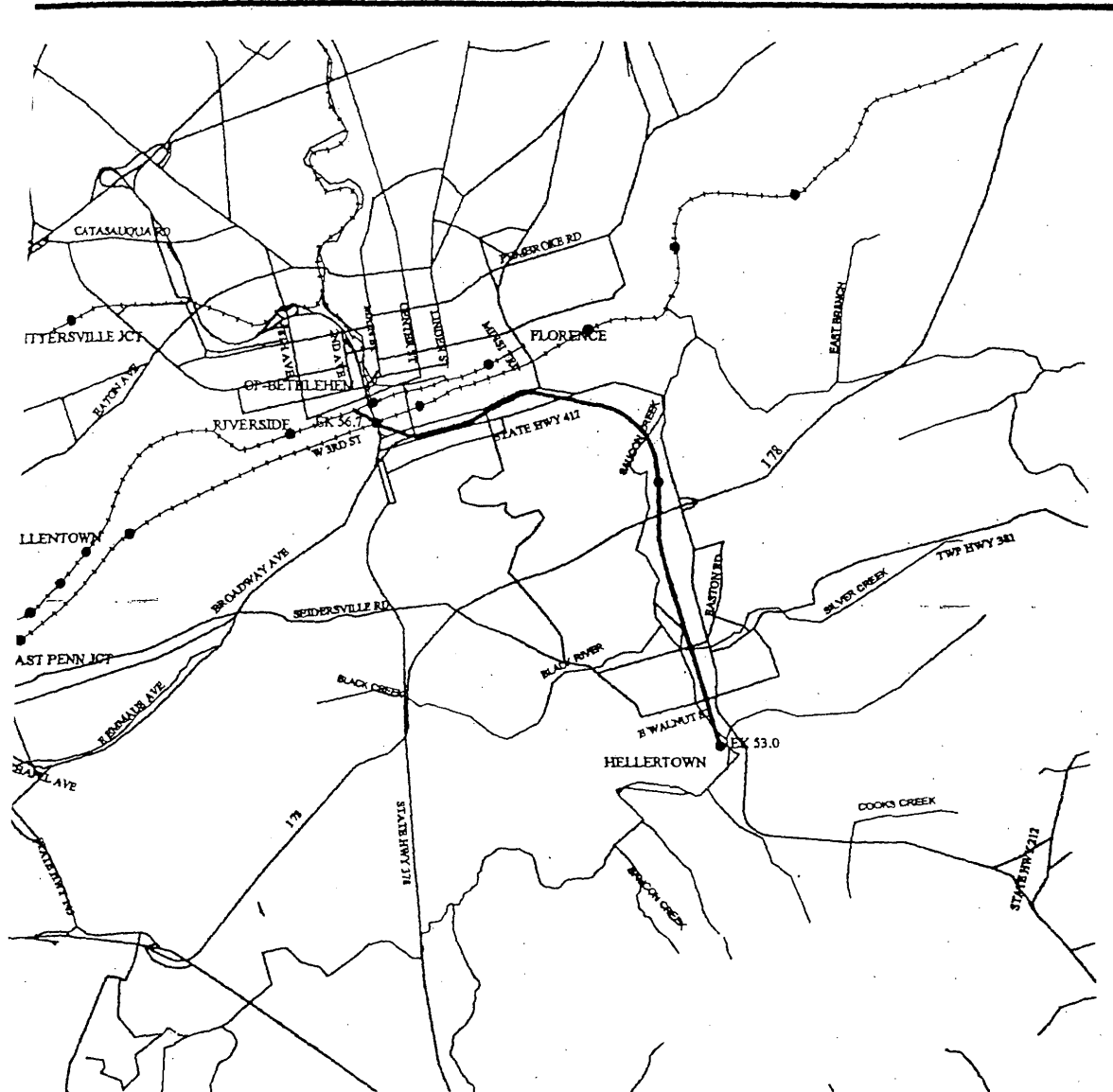
Inasmuch as NS does not intend to either remove or appreciably alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NS does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NS will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A

Site Map



0.5 1 1.5 2 2.5 3 3.5 Miles



Owning Company

Office of Chief Engineer - Design & Construction Atlanta, Ga

Rev.	By	Date	Description
Location Hellertown to Bethlehem, PA			
Title Proposed Abandonment: Saucon R.T.: EK 53.0 - 55.7 Bethlehem Sec.: EK 55.7 - 56.7			
Dgn	Val Sec	Map	Mile Post
Dwn RPD	File 188 - 24		Drawing Number
Chk	Date May 30, 2001		TA00 - 0157

APPENDIX B

Fugitive Dust Regulation

FUGITIVE EMISSIONS

§ 123.1. Prohibition of certain fugitive emissions.

(a) No person may permit the emission into the outdoor atmosphere of a fugitive air contaminant from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.
- (4) Clearing of land.
- (5) Stockpiling of materials.
- (6) Open burning operations.
- (7) Blasting in open pit mines. Emissions from drilling are not considered as emissions from blasting.
- (8) Coke oven batteries, provided the fugitive air contaminants emitted from any coke oven battery comply with the standards for visible fugitive emissions in §§ 123.44 and 129.15 (relating to limitations of visible fugitive air contaminants from operation of any coke oven battery; and coke pushing operations).
- (9) Sources and classes of sources other than those identified in paragraphs (1)—(8), for which the operator has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:
 - (i) The emissions are of minor significance with respect to causing air pollution.
 - (ii) The emissions are not preventing or interfering with the attainment or maintenance of an ambient air quality standard.

(b) An application form for requesting a determination under either subsection (a)(9) or § 129.15(c) is available from the Department. In reviewing these applications, the Department may require the applicant to supply information including, but not limited to, a description of proposed control measures, characteristics of emissions, quantity of emissions and ambient air quality data and analysis showing the impact of the source on ambient air quality. The applicant is required to demonstrate that the requirements of

subsections (a)(9) and (c) and § 123.2 (relating to fugitive particulate matter) or of the requirements of § 129.15(c) have been satisfied. Upon such demonstration, the Department will issue a determination, in writing, either as an operating permit condition, for those sources subject to permit requirements under the act, or as an order containing appropriate conditions and limitations.

(c) A person responsible for any source specified in subsections (a)(1)—(7) or (9) shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions include, but not be limited to, the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.

(2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(d) The requirements contained in subsection (a) and § 123.2 do not apply to fugitive emissions arising from the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

Source

The provisions of this § 123.1 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended March 3, 1972, effective March 20, 1972, 2 Pa.B. 383; amended August 12, 1977, effective August 29, 1977, 7 Pa.B. 2251. Immediately preceding text appears at serial pages (4620) and (24610).

Notes of Decisions

Agency Authority

Although the Department of Environmental Resources under the Air Pollution Control Act (35 P. S. § 4001 et seq.) had been granted specific authority by the Legislature to regulate "air contamination sources" producing "air pollution" that includes obnoxious odors, nowhere was there any grant of authority to the Public Utility Commission, either directly or indirectly, to regulate air pollution emanating from a public utility. *Country Place Waste Treatment Co. v. Pennsylvania Public Utility Commission*, 654 A.2d 72 (Pa. Cmwlth. 1995).

Application

The Department may utilize this section in an effort to specifically control an alleged fugitive air contaminant despite the fact certain sources of this contaminant, as well as the dust itself, might have been concurrently involved 28 an application of § 123.13 (relating to

processes) as it relates to nonfugitive air contaminants or particulate matter emissions. *Commonwealth v. Locust Point Quarries Inc.*, 72 Pa. D. & C.2d 700 (1975).

Application Properly Denied

The Department was required to deny an application for reactivation of beehive coke ovens, regardless of economic consequences, when the application did not provide information which would show that the ovens would meet the limitations applicable to fugitive emissions, and constitutional rights are not violated even though there is no known method to operate beehive coke ovens in compliance with this title. *Rochez Brothers Inc. v. Department of Environmental Resources*, 334 A.2d 790 (Pa. Cmwlth. 1975).

Burden of Proof

Testimony by the environmental group's president that the air was polluted (that is, "fuming" resulted from the reaction process used to treat waste at the industrial processors facility) was not credible on the issues relating to the existence or cause of air quality problems as would shift the burden of proof to the Department of Environmental Resources to justify the issuance of the solid waste disposal permit. *Concerned Citizens of Yough, Inc. v. Department of Environmental Resources*, 639 A.2d 1265 (Pa. Cmwlth. 1994).

The Commonwealth need not prove that the fugitive dust emissions in question caused or contributed to a condition of air pollution because the determination that such emissions cause or contribute to a condition of air pollution had already been made at the time the section was promulgated, and the section is reasonably understandable and specific. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

Construction

Since § 123.2 (relating to fugitive particulate matter) applies only to the nine exemptions listed in (a)(1)—(9), the two sections do not overlap and either one can stand alone as a basis for a violation. *Medusa Corp. v. Department of Environmental Resources*, 415 A.2d 105 (Pa. Cmwlth. 1980).

Criminal Prosecution

To prove a criminal violation of this section, as modified by § 123.13 (relating to processes), scientific evidence must be introduced proving beyond a reasonable doubt that the offensive fugitive emissions exceeded the permissible maximum set forth in § 123.12 (relating to incinerators). *Department of Environmental Resources v. Locust Point Quarries Inc.*, 367 A.2d 392 (Pa. Cmwlth. 1976).

Evidence

To properly challenge the reasonableness of this section, evidence must be presented to establish that the section will not aid in reaching national ambient air quality standards and that the proscribed activity is insignificant as a cause of air pollution. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

A conviction for violation of this section cannot be sustained absent sufficient visual and/or scientific evidence to establish that the quarry dust observed by Department agents was such as to constitute air pollution as defined by the Air Pollution Control Act. *Commonwealth v. Locust Point Quarries Inc.*, 72 Pa. D. & C.2d 700 (1975).

Fugitive Emissions

A fugitive emission is an emission of an air contaminant in a specific manner and it includes particulate matter, sulfur compounds, odor and visible emissions if emitted other than through a flue. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

General Comment

This section was intended to stand alone and be construed independently of § 123.13 (relating to processes). *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

Minor Significance

The comment by the Environmental Hearing Board that the operator failed to invoke the "minor significance" exception of (a)(9) was proper because the exception existed throughout the relevant time period of 1973 to 1976, and the procedural provisions added by a 1977 amendment were immaterial. *Medusa Corp. v. Department of Environmental Resources*, 415 A.2d 105 (Pa. Cmwlth. 1980).

A rock quarry was not a source of minor significance within the meaning of § 127.14 (relating to exemptions) if nothing in the record supported such a determination and the DER had not so determined. *Mignatti Construction Co., Inc. v. Environmental Hearing Board*, 411 A.2d 860 (Pa. Cmwlth. 1980).

Review

A request for a grace period for compliance with a temporary variance did not have a res judicata effect on a subsequent request for an exemption from emission control requirements under this provision, since there was no identity of the thing sued for. *Bethlehem Steel Corporation v. Department of Environmental Resources*, 390 A.2d 1383 (Pa. Cmwlth. 1978).

On appeal from the Department's refusal to grant applicant permission to reactivate certain coke ovens, if the appellant did not show that the oven would meet the limitations in this title, but showed only the "dire need" for the coke to be produced, the scope of review is limited to whether constitutional rights were violated, an error of law committed, or any necessary finding of fact was not supported by the evidence. *Rochez Brothers, Inc. v. Department of Environmental Resources*, 334 A.2d 790 (Pa. Cmwlth. 1975).

Cross References

This section cited in 25 Pa. Code § 77.108 (relating to permit for small noncoal operations); 25 Pa. Code § 121.8 (relating to compliance responsibilities); 25 Pa. Code

§ 123.2 (relating to fugitive particulate matter); 25 Pa. Code § 123.42 (relating to exceptions); 25 Pa. Code § 129.15 (relating to coke pushing operations); and 25 Pa. Code § 264.521 (relating to design and operating standards).

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MAXIMUM ALLOWED NOISE LEVEL
FOR LAND USE AT A RECEIVING PROPERTY BOUNDARY
EXPRESSED AS dBA

<u>Land Use</u>	<u>Daytime(a)</u>	<u>Nighttime(b)</u>
Industrial	75 dBA	75 dBA
Commercial	67 dBA	62 dBA
Institutional	60 dBA	55 dBA
Residential	60 dBA	55 dBA

-
- a. A-weighted Sound Level maximum allowed for the period 7:00 am to 10:00 pm.
- b. A-weighted Sound Level maximum allowed for the period 10:00 pm to 7:00 am.
-

(II) A person shall not cause or permit the emission of a pure tone that exceeds an A-weighted sound level 5 dBA lower than the applicable maximum given in the above table.

(III) A person shall not cause or permit an A-weighted sound level to emanate from construction or demolition activities that exceeds during daytime hours 90 dBA or during nighttime hours the maximum stated in the above table for the applicable land use.

(IV) Exemptions

The provisions of the Section do not apply to:

- (i) Devices used only for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or emergency work.

- (ii) Motor vehicle on public right-of-ways, aircraft, trains, and emergency, utility or public operations, including snow removal.
 - (iii) Sounds, other than those electronically amplified, created by sporting, amusement, entertainment, and other public gatherings conducted pursuant to other City permits or Ordinances. This exception includes, but is not limited to, public athletic contests, carnivals, fairs, parades, celebrations, and concerts.
- (b) Smoke, dust, fumes, gases, odors, mists, vapors and pollens. The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof, which can cause any damage to human or animal health or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission is prohibited. Standards concerning such emission shall be in accord with the rules and regulations of the following sources: The Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended 35 P.S., Article 4001, et seq.
- (c) Heat and Glare. Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.
- (d) Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of that vibration produced as a result of construction activity.

APPENDIX C

Noise Regulations

MAXIMUM ALLOWED NOISE LEVEL
FOR LAND USE AT A RECEIVING PROPERTY BOUNDARY
EXPRESSED AS dBA

<u>Land Use</u>	<u>Daytime(a)</u>	<u>Nighttime(b)</u>
Industrial	75 dBA	75 dBA
Commercial	67 dBA	62 dBA
Institutional	60 dBA	55 dBA
Residential	60 dBA	55 dBA

-
- a. A-weighted Sound Level maximum allowed for the period 7:00 am to 10:00 pm.
- b. A-weighted Sound Level maximum allowed for the period 10:00 pm to 7:00 am.
-

(II) A person shall not cause or permit the emission of a pure tone that exceeds an A-weighted sound level 5 dBA lower than the applicable maximum given in the above table.

(III) A person shall not cause or permit an A-weighted sound level to emanate from construction or demolition activities that exceeds during daytime hours 90 dBA or during nighttime hours the maximum stated in the above table for the applicable land use.

(IV) Exemptions

The provisions of the Section do not apply to:

- (i) Devices used only for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or emergency work.

APPENDIX D

Hazardous Waste Sites

Areas identified as having a high potential for historic archaeological resources include lots that were historically occupied (with or without extant buildings) that show no sign of disturbance activities such as large scale grading, filling or construction. This includes one or two historic residential farm properties. Areas identified as having moderate potential for historic archaeological resources include lots that were historically occupied but contain some surface disturbance; this includes locations of former historic buildings and structures now occupied by parking lots, under railroad rights-of-way and the Northampton Heights area. The potential for intact surfaces buried beneath fill and extant shafts features (wells, privies, cisterns, etc.) that may contain household or community trash is high however, as the extent and depth of later period disturbances are currently unknown, a moderate archaeological potential has been assigned. Areas identified as having low potential for archaeological resources have been determined to be those areas so disturbed by construction, grading filling, or industrial use, as to preclude the presence of intact archaeological deposits.

V. POTENTIAL HAZARDOUS MATERIALS/WASTE SITES

Available information on potential hazardous materials/waste sites was obtained via an electronic file search, conducted by Environmental Data Resources, Inc. (EDR). EDR searched available ("reasonably ascertainable") environmental databases of USEPA and PADEP records for various Federal and state programs pertaining to properties within the study area. A search distance of one mile was established around the study area and databases were compiled.

No mapped sites were found in EDR's search of reasonably ascertainable government records within the requested search area for the following databases:

• SHWS	State Hazardous Waste
• SWF/LF	State Landfill
• CONSENT	Superfund (CERCLA) Consent Decrees
• Delisted NPL	NPL Deletions
• HMIRS	Hazardous Materials Information Reporting System
• MINES	Mines Master Index File
• NPL Lien	NPL Liens
• MWLF	Operating Municipal Waste Landfills

The file search did identify sites within the search distance that were listed in the following databases:

• NPL	National Priority List
• CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System

· CERCLIS-NFRAP	Comprehensive Environmental Response, Compensation, and Liability Information System – No Further Remedial Action Planned
· CORRACTS	Corrective Action Report
· RCRIS-TSD	Resource Conservation and Recovery Information System
· RCRIS-LQG	Resource Conservation and Recovery Information System – Large Quantity Generator List
· RCRIS-SQG	Resource Conservation and Recovery Information System – Small Quantity Generator List
· ERNS	Emergency Response Notification System
· LUST	Leaking Underground Storage Tank Incident Reports
· UST	Registered Underground Storage Tanks
· ROD	Record Of Decision
· FINDS	Facility Index System/Facility Identification Initiative Program Summary Report
· MLTS	Material Licensing Tracking System
· PADS	PCB Activity Database System
· RAATS	RCRA Administrative Action Tracking System
· TRIS	Toxic Chemical Release Inventory System
· TSCA	Toxic Substances Control Act
· AST	Pennsylvania Regulated Above Ground Storage Tanks
· LAST	Storage Tank Release Sites
· Coal Gas	Former Manufactured gas (Coal Gas) Sites

49 locations within the study area were identified as containing one or more of these sites. These locations and the associated sites are briefly discussed in the following table.

Table 6, Potential Hazardous Materials/Waste Sites

Map Site #	Site Name	Listings	Chemical(s) of Concern (If known)
1	Nisky Hill Cemetery	LUST	Leaded Gasoline
2	Bethlehem Towers	LUST	BTEX
3	Wyandotte Gas Company	Coal Gas	Manufactured Gas
4	Asbury Graphite Mills	LUST	BTEX
5	City of Bethlehem WWTP	LUST	No. 2 Heating Oil
6	Lehigh Heavy Forge Corp.	AST	Hydraulic Oil Quench Oil Haz. Oil Mix
6	Philadelphia Bethlehem & New England RR Co.	RCRIS-SQG FINDS	NA
6	Bethforge Inc.	TRIS	NA
7	Conrail Allentown PA Yard Car Cabosse	RCRIS-SQG FINDS	NA
8	Zarnas, G. C. & Company, Inc.	RCRIS-SQG FINDS	NA
9	Weldship Corp.	RCRIS-SQG FINDS LUST	No. 6 Heating Oil
10	Bethlehem Structural Products Corp.	CORRACTS CERC-NFRAP PADS FINDS RCRIS-LQG MLTS TRIS RCRIS-TSD RAATS TSCA	PCBs Others
10	Bethlehem Steel	ERNS FINDS	NA
10	Lehigh Heavy Forge Corp.	PADS RCRIS-SQG FINDS	PCBs Others
11	Philadelphia Bethlehem & New England Railroad	AST	New motor oil
12	Bethlehem Steel Corp., Structural Products Div.	FINDS	NA
12	Bethlehem Steel Corp. - Bethlehem Plant	TSCA ERNS	NA

Table 6, Potential Hazardous Materials/Waste Sites (cont'd)

11	Philadelphia Bethlehem & New England Railroad	AST	New motor oil
12	Bethlehem Steel Corp., Structural Products Div.	FINDS	NA
12	Bethlehem Steel Corp. - Bethlehem Plant	TSCA ERNS	NA
13	Bethlehem Steel Corp. - Research Lab	RCRIS-SQG FINDS	NA
13	MFS Inc.	RCRIS-SQG FINDS	NA
13	Bethlehem Structural Products Corp.	LAST RCRIS-LQG ERNS	BTEX
14	W. S. Reichenbach & Sons Inc.	UST	Heating Oil
15	Mobile Oil Corp. SS# Dev	RCRIS-SQG FINDS UST	Gasoline
15	Crystal Signatures	RCRIS-SQG FINDS	NA
16	Reeb Millwork Corp.	AST UST	Diesel Gasoline
17	Petrilla Fuel	LAST	No. 2 Fuel Oil
18	Szilagyi Fuel	AST	Heating Oil Kerosene
19	Heckett Plant #37	RCRIS-SQG FINDS	NA
20	Paul B. Wood Tires	LUST	No. 2 Heating Oil
21	Abdouche Prop	LUST	No. 2 Fuel Oil
22	Szepe Dairy	LUST	No. 2 Heating Oil
23	Power Printing	FINDS RCRIS-LQG	NA
24	Holy Bethel Christ Church	FINDS	NA
25	St. John Capistrano Parish	LUST	NA
26	Hess 38294	UST	Gasoline Diesel
27	Hess 38425	UST	Gasoline Kerosene
28	Sokalsky Residence	LUST	Aviation Fuel
29	Coresates Banks	LUST	Diesel Fuel

Table 6, Potential Hazardous Materials/Waste Sites (cont'd)

30	Lehigh University Physical Plant Building	LUST	No. 2 Fuel Oil
30	Lehigh University Physical Plant	UST	Diesel Gasoline
31	Getty 69415	UST	Gasoline
32	Kucey/Schrei Prop.	LUST	Solvents
33	Lehigh University Power House	LUST	BTEX
34	KIK Co.	RCRIS-SQG FINDS	NA
35	Broughal Middle School	RCRIS-SQG FINDS	NA
36	Lehigh University	RCRIS-SQG FINDS MLTS	NA
37	Graham Rental Prop.	LUST	No. 2 Fuel Oil
38	Conrail Allentown Yard	RCRIS-SQG FINDS	NA
39	Phi Kappa Sigma Fraternity House	LUST	No. 2 Fuel Oil
40	Hanover Square-Bella Vista Site	LUST	Solvents
41	Carl B. & Edwina M. Sloyer Prop.	LUST	BTEX
42	UGI Corp. Gas Manufacturing Plant - Hellertown	CERC-NFRAP	NA
43	Turkey Hill Minit Mkt. 224	UST	Gasoline
44	Zorex Inc.	RCRIS-SQG FINDS	NA
44	Hellertown Manufacturing Co	ROD CERCLIS RCRIS-SQG FINDS NPL RCRIS-TSD	Chlorinated Organics and Metals
45	Gutshall's Chevrolet, Inc.	RCRIS-SQG FINDS LUST	BTEX
46	Mansfield Fuel Oil Bulk Plant	LUST	No. 2 Fuel Oil
47	Hellertown Station	UST	Diesel Gasoline Kerosene
47	Superior Auto	LUST	Leaded Gasoline

Table 6, Potential Hazardous Materials/Waste Sites (cont'd)

48	Rutt Custom Cabinetry LLC	FINDS RCRIS-LQG TRIS	NA
49	Bethlehem Apparatus Comp. Inc.	CORRACTS CERC-NFRAP FINDS RCRIS-LQG TRIS RCRIS-TSD RAATS	NA

VI. POTENTIAL SECTION 4(F) RESOURCES

Section 4(f) of the U.S. Department of Transportation Act of 1966 (amended 1968) states that publicly owned parks, recreation lands, wildlife and waterfowl refuge areas, or historic sites of national, state or local significance may be used for Federal Aid projects only if there is no feasible and prudent alternative to the use of such land, and such projects include all possible planning to minimize harm to these lands. If a proposed improvement has the potential to affect a property protected by this Act, a Section 4(f) Evaluation will need to be prepared.

For this project, potential Section 4(f) resources include the Saucon Park, and any of the 8 other public parks in the study area, and the historic resources as identified and highlighted in red, green, and purple on the Cultural Resources Map (Figure 9).

VII. AGENCY COORDINATION

At the beginning of the study, letters were sent out to various federal, state and local agencies and organizations in accordance with the procedural provisions of the National Environmental Policy Act (NEPA) and the U.S. Department of Transportation Federal Highway Administration's requirements for early coordination. Early coordination letters describing the project and proposed studies were mailed to 37 agencies and organizations in November 2000 to notify them of the proposed project, request specific information, and encourage participation in the study by identifying initial concerns (Table 7). Responses received as of March 1, 2001 are denoted in this table.

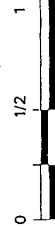
FIGURE 11
 POTENTIAL HAZARDOUS
 MATERIALS/WASTE SITES
 SR 0412 SECTION 001 CORRIDOR STUDY

SR 412

- ▲ Listed Sites
- Earthquake Epicenters (Richter 5 or greater)
- ▤ Study Area Boundary
- ▤ Roads
- ▤ Major Roads
- ▤ Waterways
- ▤ Railroads
- ▤ Contour Lines
- ▤ Pipelines
- ▤ Powerlines
- ▤ Fault Lines
- ▤ Water
- ▤ Superfund Sites
- ▤ 100-Yr Flood Zones
- ▤ Wetlands



Bethlehem, PA



Scale in Miles

Environmental
 Research
 Inc.



N DATE: 7/18/01

U.S. ENVIRONMENTAL PROTECTION AGENCY

PAGE 656 OF 1089

REGION 03

CERCLIS 3

Site Technical Action Status Listing With Dumpsite Number

Sorted by State and County

PA ID	SITE NAME STREET CITY COUNTY NAME	STATE	ZIP COUNTY CODE	ACTION	QUAL	START DATE	COMP DATE	A L E A D	R C H P V	CONG DIST	DUMP NUMBER
STATE: PA											
COUNTY: NORTHAMPTON											
D980832430	EASTON PLANT 640 N 13TH ST EASTON NORTHAMPTON	PA 095	18042	DISCVRY PA	N	11/01/79 05/01/80	F F	X	N	15	PA-0041
D981939945	FUEL STORAGE AREA 9TH & MAIN NORTHAMPTON NORTHAMPTON	PA 095	18067	DISCVRY PA	N	10/07/87 01/03/89	F S	X	N	15	PA-2231
D067091439	GRAND CTL SAN LANDFILL RD # 1 BOX 211 PEN ARGYL NORTHAMPTON	PA 095	18072	DISCVRY PA SI	L N	08/01/80 10/01/80 10/01/81	F F S	X	N	15	PA-0106
D980829915	HANOVER TWP SITE AIRPORT RD HANOVER TWP NORTHAMPTON	PA 095	18017	DISCVRY PA	N	08/01/83 07/01/83	F S	X	N	15	PA-0939
D981103914	HA-RA INC - FERNWOOD DEMO SITE RTE 209 FERNWOOD RESORT BUSHKILL NORTHAMPTON	PA 095	18064	DISCVRY PA	N	12/04/85 12/21/87	S S	X	N	15	PA-1767
D002390748	HELLERTOWN MANUFACTURING CO. 1770 MAIN ST HELLERTOWN NORTHAMPTON	PA 095	18055	DISCVRY PA SI PROPOSED NPL FINL NPL SRCH NPL SRCH RV ASSESS RV ASSESS	L H	08/01/80 04/03/85 05/06/85 03/31/88 01/22/87 03/31/89 04/01/91 07/16/91 01/15/87 03/31/87 12/01/92 12/01/92 03/06/90 03/06/90	F F S F F F FE FE F F F F	F	15	PA-0801	

DATE: 7/18/01

U.S. ENVIRONMENTAL PROTECTION AGENCY

PAGE 657 OF 1089

REGION 03

CERCLIS 3

Site Technical Action Status Listing With Dumpsite Number

Sorted by State and County

A ID	SITE NAME STREET CITY COUNTY NAME	STATE COUNTY CODE	ZIP COUNTY CODE	ACTION	QUAL	START DATE	COMP DATE	A L E D V	R R C H P L	CONG DIST	DUMP NUMBER
------	--	----------------------	--------------------	--------	------	------------	-----------	-----------------------	----------------------------	--------------	----------------

ATE: PA

UNTY: NORTHAMPTON

0002390748 HELLERTOWN MANUFACTURING CO. F 15 PA-0801

1770 MAIN ST

HELLERTOWN

PA

18055

NORTHAMPTON

095

RV ASSESS	08/16/89	08/16/89	F
RIFS NEG	01/22/88	02/22/88	FE
AIR SRVY	06/23/99		F
5 YEAR	06/15/99	04/21/00	F
ADMM REC	E	06/28/90	FE
REM CR	03/27/87		F
PRP RIFS	02/22/88	09/30/91	RP
ROD		09/30/91	FE
RD/RA NEG	11/25/91	03/11/92	FE
RD	03/12/92	04/27/93	F
RA	05/11/93	12/21/94	F
TA GRANT	12/21/92		F
RD	03/12/92	06/30/94	F
RA	09/22/93	06/26/96	F
LT RESP	06/26/96		F
ADM ORDR		02/22/88	FE
S107 LIT	03/11/99		FE

0059285676 HERCEG LANDFILL N 15 PA-0094

LEVIS AND GOWER ROADS

NAZARETH

PA

18064

NORTHAMPTON

095

DISCVRY		11/01/79	F
PA	L	04/01/81	F
SI	H	05/01/93	F
SI	H	12/01/81	F
SI	H	05/01/93	F
Sip		05/01/93	F
Sip		03/01/93	F

0980508493 INDUSTRIAL LANE F 15 PA-0039

INDUSTRIAL DR

WILLIAMS TOWNSHIP

PA

18042

NORTHAMPTON

095

DISCVRY		11/01/79	F
PA	L	05/01/80	S
SI	H	06/01/83	F
HAZRANK		08/01/83	F
PROPOSED		09/08/83	F
NPL FINL		09/21/84	F
NPL SRCH		10/01/84	FE
NPL SRCH		06/18/90	FE

APPENDIX E
Federal and State Threatened and
Endangered Species Listings



Pennsylvania Natural Diversity Inventory

Scientific information and expertise for the conservation of Pennsylvania's native biological diversity

July 25, 2001

Bureau of Forestry

717-787-3444

Rory Mullenex
Marshall Miller & Associates
Bluefield Virginia Industrial Park
P.O. Box 848
Bluefield, VA 24605

Re: Pennsylvania Natural Diversity Inventory Review of T&E Species and Critical Habitat in
Northampton County, PA. **PER NO: 11620**

Dear Mr. Mullenex:

In response to your request on July 18, 2001, the Pennsylvania Natural Diversity Inventory (PNDI) information system was used to gather information regarding the presence of resources of special concern within the referenced site. PNDI records indicate potential impact to species of special concern in the project vicinity.

Carex tetanica, A Sedge, is a threatened plant in Pennsylvania. It was last seen in 1995. It typically grows in fens, marshes, boggy swales, and moist, calcareous meadows.

Carex prairea, Prairie Sedge, is a threatened plant in Pennsylvania. It was last seen in 1997. It typically grows in marshes, fens, and moist, calcareous meadows.

Myriophyllum sibiricum, Northern Water-Milfoil, is an endangered plant in Pennsylvania. It was last seen in 1965. It typically grows in still water of rivers, lakes, ponds, and marshes.

Viburnum trilobum, Highbush-Cranberry, is a rare plant in Pennsylvania. It was last seen in 1991. It typically grows in swamps, fens, and wet woods.

Arabis hirsute, Western Hairy Rock-Cress, is an endangered plant in Pennsylvania. It was last seen in 1847. It typically grows in woods, on banks, rock ledges, and is usually found on limestone.

Lasius minutis, An Ant, is a tracked insect.

If any of the above habitats exist in the right of way, our recommendation is that a site survey be conducted by a qualified botanist before the onset of any earth disturbance associated with the project, in order to confirm or deny the presence of these species in the project area. Please contact the office with the results of the survey and to set up a field visit to discuss measures necessary to protect the species.

Western Pennsylvania Conservancy
209 Fourth Ave.
Pittsburgh, PA 15222
(412)288-2777
www.paconserve.org

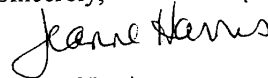
Pennsylvania Dept. of Conservation and Natural Resources
Bureau of Forestry
P. O. Box 8552
Harrisburg, PA 17105-8552
(717)757-3444
www.dcnr.state.pa.us

The Nature Conservancy
208 Airport Drive
Middletown, PA 17057
(717)948-3962
www.tnc.org

This response represents the most up-to-date summary of the PNDI data files and is applicable for one year. However, an absence of recorded information does not necessarily imply actual conditions on site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available this determination may be reconsidered.

Please phone this office if you have questions concerning this response or the PNDI system.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Harris".

Jeanne Harris
Environmental Review Specialist

PENNSYLVANIA

Game Commission

[Home](#) | [New](#) | [Merchandise](#) | [Hunter Info](#) | [News Room](#) | [Employment](#) | [Wildlife](#) | [County Info](#)

Endangered And Threatened Species

BACKGROUND INFORMATION

[Quick Reference](#)

[What Do These Classifications Mean?](#)

[What's Happening to
These Animals?](#)

[How Did Endangered Species
Protection Get Started?](#)

ENDANGERED THREATENED

[Bald Eagle](#)

[Black Tern](#)

[Delmarva Fox Squirrel](#)

[Indiana Bat](#)

[King Rail](#)

[Yellow-crowned](#)

[Night Heron](#)

[Loggerhead](#)

[Shrike](#)

[Peregrine](#)

[Falcon](#)

[Short-eared Owl](#)

[Common Tern](#)

[American Bittern](#)

[Great Egret](#)

[Least Bittern](#)

[Least Shrew](#)



[Eastern Woodrat](#)

[Dickcissel](#)

[Osprey](#)

[Sedge Wren](#)

[Upland Sandpiper](#)

[Small-footed](#)

[Myotis](#)

[West Virginia](#)

[Water Shrew](#)

[Yellow-bellied](#)

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[Pennsylvania Plants](#)

[Department of Conservation and Natural Resources](#)

[Pennsylvania
Invertebrates](#)

[Department of Conservation and Natural Resources](#)

[US Fish & Wildlife
Service](#)

[National Endangered](#)

US Fish & Wildlife
Service

National Threatened and Endangered Animals and
Plants

Kids' Corner

U.S. Fish & Wildlife Service section for students who
want to learn more about endangered and threatened
species.

Hey, Teachers!

U.S. Fish & Wildlife Service section to provide
assistance to teachers on the development of lesson
plans regarding endangered and threatened species.

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Pennsylvania
Home Site

Please send technical comments and problems to webmaster@state.pa.us.

This page was last updated at 01:59:22 PM, on Tuesday, July 09, 2002.

APPENDIX F

Agency Responses

City of Bethlehem

INDUSTRY • EDUCATION • RELIGION • MUSIC • RECREATION
AN EQUAL OPPORTUNITY EMPLOYER

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Phone: (610) 865-7085

Fax: (610) 865-7019

TDD: (610) 865-7086

July 30, 2001

Mr. Lance J. Barbour
Staff Scientist
Marshall Miller & Associates
P. O. Box 848
Bluefield, VA 24605-0848

Re: Proposed Abandonment of the Bethlehem to Hellertown Line Segment

Dear Mr. Barbour:

The following information has been compiled to assist you in developing the Environmental Reports for submission to the Surface Transportation Board regarding the proposed abandonment of the Bethlehem to Hellertown line segment of Norfolk Southern Railway Company:

- The City of Bethlehem does not have any objections to the proposed abandonment.
- There are no threatened or endangered species known to exist in the areas depicted in the map.
- There are no tracts of Critical Habitat in the area that could be adversely affected by the proposed abandonment.
- There are no wildlife refuges or sanctuaries in the areas of the proposed abandonment.
- The City does not have established thresholds for air emissions. The City is within a Non-Attainment area for National Ambient Air Quality Standards. The City does not have a fugitive dust regulation.
- The City's noise thresholds levels are attached (Appendix 1).

cont'd.../

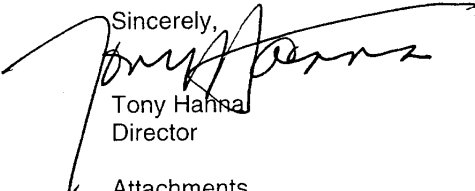


10 EAST CHURCH STREET, BETHLEHEM, PENNSYLVANIA 18018

- Hazardous waste sites located near the area of proposed abandonment are identified on attached report (Appendix 2). The old Champion Battery Company is located in Hellertown, near the defined area. It is a Superfund Site, which is under remediation (Appendix 3).
- The line does pass through local parks.

If you have any questions, please contact me at 610-997-7628 or by email: TonyH517@aol.com.

Sincerely,



Tony Hanna
Director

Attachments

cc: Mayor Donald Cunningham
Diane D. Donaher
Sam Guttman
Michael Alkhal
Charles Brown

ATTACHMENT 1

CONSULTATIONS

**Environmental Report on Proposed Rail Line Abandonment
Hellertown to Bethlehem, Pennsylvania
Milepost (EK-53.0 and EK-56.7)**

Report Recipients

Sir	FirstName	LastName	PrimaryAddress	City	State	Zip	Date Sent
Mr.	James	Delgrosse	10 E. Church Street	Bethlehem	PA	18018	04/02/03
Mr.	Glenn	Reibman, Northampton County Executive	669 Washington Street	Easton	PA	18042	04/02/03
Mr.	Peter	Zakancyz, USDA District Conservationist	1068 Bushkill Center Road	Nazareth	PA	18064-9578	04/02/03
Mr.	Frank	Cianfrani, Chief Regulatory Branch	US Army Corp of Engineers-Philadelphia Wanamaker Bldg. 100 Penn Square East	Philadelphia	PA	19107-3390	04/02/03
Ms.	Bonnie	Crosby	US Fish & Wildlife Service 315 South Allen Street, Suite 322	State College	PA	16801	04/02/03
Ms.	Kathleen	McGinty	Pennsylvania DEP RCSOB 16 th Floor P. O. Box 2063	Harrisburg	PA	17105-2063	04/02/03
Mr.	John	DiBerardinis	Pennsylvania Department of Conservation & Natural Resources P. O. Box 8767	Harrisburg	PA	17105-8767	04/02/03
Mr.	Bob	Runowski	USEPA Region 3 EPAS (3WP10) 841 Chestnut Street	Philadelphia	PA	19107	04/02/03
Mr.	Edward	McKay, Chief Spatial Reference	National Geodetic Survey 1315 East Highway	Silverspring	MD	20910	04/02/03
Mr.	Randy	Soriano	Executive Secretary Fountain Hill Borough 941 Long Hill Street	Bethlehem	PA	18015	04/02/03
Mrs.	Boyd	Sponaugle	North East Region National Park Service U.S. Custom House 200 Chestnut Street, Fifth Floor Red Estate Manager	Philadelphia	PA	19106	04/02/03
Mr.	Tom	Fidler	Pennsylvania DEP P.O. Box 8471	Harrisburg	PA	17105-8471	04/02/03
Mr.	L. G.	Western	Norfolk Southern Railway Co.	Roanoke	VA	24042	04/02/03
Mr.	J. R.	Paschall	Norfolk Southern Corporation	Norfolk	VA	23510	04/02/03
Mr.	J. M.	Creekmore	Norfolk Southern Corporation	Norfolk	VA	23510	04/02/03

April 2, 2003
1-9-5-4

Mr. James Delgrosse
10 E. Church Street
Bethlehem, Pennsylvania 18018

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 3.7
Miles of Rail Line Located between Milepost EK-53.0 to Milepost EK-56.7 at
Bethlehem, PA

Dear Mr. Delgrosse:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from Milepost EK-53.0 to Milepost EK-56.7 at Bethlehem, PA. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423, Telephone (202) 565-1538 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

K. R. Miller
Director Environmental Operations

HEBElet

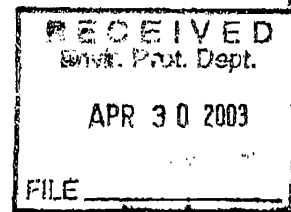
Attachment

CC: L. G. Western
J. R. Paschall
J. M. Creekmore

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

APR 28 2003



Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R-200300439-57

Mr. Larry G. Western
Norfolk Southern Corporation
Environmental Protection Department
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

Dear Mr. Western:

This is in regard to Department of the Army jurisdiction over Norfolk Southern Corporation's proposal to abandon rail service along an approximately 3.7 mile railroad right-of-way beginning in Lower Saucon Township, and extending through the Borough of Hellertown and the City of Bethlehem, Northampton County, Pennsylvania. The proposed activities may include work over, and adjacent to, the Saucon Creek, its tributaries, and wetlands adjacent to these streams. A portion of the work lies adjacent to the Lehigh River, a navigable Water of the United States.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including their adjacent wetlands. Discharges of fill material include activities such as: the placement of rock, sand, dirt, or other material for the construction of any structures, impoundment or site development; grading; fill associated with the creation of ponds; and property protection or reclamation devices such as riprap and breakwaters. Any proposal involving the performance of the above activities within the area of Federal jurisdiction, whether the work is permanent or temporary, will require the prior approval of this office.

The information you have provided indicates that rails and ties will be removed from the right-of-way, and that some regrading of the roadbed may be required. You have also indicated that the removal work will be done from the roadbed and will not require the discharge of dredged or fill material into Waters of the United States. Furthermore, you have stated that no work is required over, under, or in the Lehigh River.

-2-

Based upon this information, it has been determined that the proposed project described in your submission will not require the approval of this office because it does not involve regulated activities in Federally regulated waters or wetlands. If the project is altered from the activities described in the submission, you are advised to contact this office to determine if the changes will require Department of the Army authorization.

This letter does not affect your responsibility to obtain any other Federal, State, or local approvals required by law for the proposed work.

If you should have any questions regarding this matter, please contact Kevin W. Dougherty of this office at (215) 656-5733 or write to him at the above address.

Sincerely,


cc: Frank J. Cianfrani
Chief, Regulatory Branch



Norfolk Southern Corporation

From:

LARRY G WESTERN

Environmental Protection Department
110 Franklin Road SE
Roanoke, VA 24042-0013

Phone:

7- 981- 4239

Fax:

(540) 981-4651

Date:

07/16/03

Number of pages

Including this page:

3

To:

J. M. LIPPS

Company:

NS

Facsimile#:

757-533-4884

Subject:

BETHLEHAM, PA ABANDONMENT

Note:

PER YOUR REQUEST - THE
FOLLOWING FROM THE ARMY CORPS
OF ENGINEERS CONSTITUTES ALL
OF THE RESPONSES I HAVE RECEIVED.

If there is any problem with the transmission process of this facsimile, please contact the above mentioned individual at the phone number listed.



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Pennsylvania Department of Transportation
State Clearinghouse
P.O. Box 3441
Harrisburg, Pennsylvania 17120

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

To Whom It May Concern:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

The report stated that NSR proposed the abandonment when in fact Pennsylvania Lines LLC, (herein called PRR) is the one seeking the authority to abandon 3.7 mile section of rail line. NSR will be seeking authority to discontinue service over the line.

Therefore, this letter is to serve as clarification to all who received an original copy of the Environmental Report for Proposed Rail Line Abandonment of the parties actually involved in the exemption notice. The revised copy of the report, which will be sent to the Surface Transportation Board, will be renamed on the Report to reflect both PRR and NSR and the type of exemption being requested. A copy of this letter will be kept in the comment section of the report as record you were notified of the change.

Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

A handwritten signature in dark ink, appearing to read "K.R. Miller" followed by a stylized flourish or initials.

K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Glenn Reibman
Northampton County Executive
669 Washington Street
Easton, PA 18042

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Reibman:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

A handwritten signature in dark ink, appearing to read 'K.R. Miller', with a stylized flourish at the end.

K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Peter Zakancyz,
USDA District Conservationist
1068 Bushkill Center Road
Nazareth, PA 18064-9578

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Zakancyz:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Frank Cianfrani
Chief Regulatory Branch
US Army Corp of Engineers
100 Penn Square East
Philadelphia, PA 19107-3390

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Cianfrani:

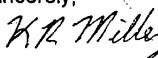
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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller *as BW*
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Ms. Bonnie Crosby
US Fish & Wildlife Service
319 Allen Street
State College, PA 16801

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Crosby:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Ms. Kathleen McGinty
Pennsylvania Department of Environmental Protection
RCSOB 16th Floor
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. McGinty:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. John DiBerarbinis
Pennsylvania Department of Conservation & Natural Resources
P.O. Box 8767
Harrisburg, PA 17105-8767

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. DiBerarbinis:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Bob Runowski
USEPA Region 3 EPAS (3WP10)
841 Chestnut Street
Philadelphia, PA 19107

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Runowski:

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

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K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Edward McKay
Chief Spatial Reference
National Geodetic Survey
1319 East Highway
Silver Spring, MD 20910

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. McKay:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

K.R. Miller
K. R. Miller *m. p. g. w.*

Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Randy Soriano
Executive Secretary Fountain Hill
Borough 941 Long Hill Street
Bethlehem, PA 18019

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Soriano:

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Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mrs. Boyd Sponaugle
North East Region National Park Service
US Custom House 200 Chestnut Street
Fifth Floor Red Estate Manager
Philadelphia, PA 19106

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Sponaugle:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

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Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. Tom Fidler
Pennsylvania Department of Environmental Protection
P. O. Box 8471
Harrisburg, PA 17105-8471

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Fidler:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

The report stated that NSR proposed the abandonment when in fact Pennsylvania Lines LLC, (herein called PRR) is the one seeking the authority to abandon 3.7 mile section of rail line. NSR will be seeking authority to discontinue service over the line.

Therefore, this letter is to serve as clarification to all who received an original copy of the Environmental Report for Proposed Rail Line Abandonment of the parties actually involved in the exemption notice. The revised copy of the report, which will be sent to the Surface Transportation Board, will be renamed on the Report to reflect both PRR and NSR and the type of exemption being requested. A copy of this letter will be kept in the comment section of the report as record you were notified of the change.

Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 19, 2003

Mr. James Delgrosse, Mayor
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

Re: Revision to April 2, 2003 Environmental Report
For Proposed Rail Line Abandonment between
Milepost EK-53.0 to Milepost ED-56.7 at
Bethlehem, Pa.

Dear Mr. Delgrosse:

On April 2, 2003 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost EK-53.0 to Milepost EK-56.7 between Hellertown and Bethlehem, Pennsylvania.

The report stated that NSR proposed the abandonment when in fact Pennsylvania Lines LLC, (herein called PRR) is the one seeking the authority to abandon 3.7 mile section of rail line. NSR will be seeking authority to discontinue service over the line.

Therefore, this letter is to serve as clarification to all who received an original copy of the Environmental Report for Proposed Rail Line Abandonment of the parties actually involved in the exemption notice. The revised copy of the report, which will be sent to the Surface Transportation Board, will be renamed on the Report to reflect both PRR and NSR and the type of exemption being requested. A copy of this letter will be kept in the comment section of the report as record you were notified of the change.

Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental Operations

cc: L.G. Western
J.R. Paschall
J.M. Lipps

ATTACHMENT #2

HISTORIC REPORT



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2752

December 11, 2003

Director
Pennsylvania Historical and Museum Commission
P. O. Box 1026
Harrisburg, PA 17108

Re: Docket No. AB-859 (Sub-No. 1X), Pennsylvania Lines LLC (PRR) –
Abandonment – Docket No. AB-290 (Sub-No. 245X), Norfolk Southern
Railway Company (NSR) – Discontinuance of Service – between Hellertown
and Bethlehem, PA

Dear Sir or Madam:

On or about January 21, 2004, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority for PRR to abandon and for NSR to discontinue service over 3.70 miles of rail line located between railroad milepost EK-53.0 at Hellertown and railroad milepost EK-56.7 at Bethlehem, Pennsylvania. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

James R. Paschall

JRP/sg

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Pennsylvania Lines LLC (PRR) proposes to abandon and Norfolk Southern Railway Company (NSR), proposes to discontinue service over 3.70 miles of rail line between Milepost EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Pennsylvania (the Bethlehem Secondary). A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for PRR or NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Pennsylvania Historical and Museum Commission.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 35 feet on each side of the main track centerline. The line passes through industrial (40%), commercial (40%) and residential (20%) areas.
- (3) **Photographs** -- Photographs were furnished to the Pennsylvania Historical and Museum Commission.
- (4) **Date of Construction of Structures** -- Construction date is shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- In the related petitions to

the Surface Transportation Board (STB) for an exemption from regulation by the STB under the Interstate Commerce Commission Termination Act (ICCTA), Pennsylvania Lines LLC (PRR) and Norfolk Southern Railway Company (NSR) seek exemptions from the prior approval requirements of 49 U.S.C. 10903 for PRR's proposed abandonment of, and NSR's discontinuance of service pursuant to a lease and operating agreement over, a 3.7-mile line of railroad between approximately Milepost EK-53.0 at Hellertown, Pennsylvania and Milepost EK-56.7 at Bethlehem, Pennsylvania (or the "Line"). Consolidated Rail Corporation (Conrail) designated this Line, the "Bethlehem Secondary." The segment to be abandoned is the final segment of a line between Philadelphia, PA and Bethlehem, PA that was part of the Reading Company system. Most of the Line has already been conveyed by the Reading Company's successor, Conrail, to the Southeastern Pennsylvania Transportation Authority (SEPTA), primarily for use in providing commuter rail passenger service.

The subject Line is now a dead-end branch line, although much of the Reading Company's, and Conrail's, former Philadelphia-Bethlehem line is still used, primarily by SEPTA for passenger service. The Line was constructed by a Reading Company lessor, North Pennsylvania Railroad Company.

Conrail, and in 1999 NSR, under a lease and operating agreement with Conrail's subsidiary, Pennsylvania Lines LLC, succeeded to the ownership and operation of the Line. NSR has continued to hold itself out to provide freight service over the Line pursuant to its operating agreement with PRR. However, NSR now

believes that there is no realist prospect of restoring profitable freight service over the line. Thus, abandonment of the Line is necessary to end the continued holding costs of retaining this non-productive line. Moreover, NSR expects to be able to convey much, if not all, of the property to the City of Bethlehem for public purposes.

The North Pennsylvania Railroad Company, which built the Line, was successor to the Philadelphia, Easton and Water Gap Railroad Company. The Philadelphia, Easton and Water Gap Railroad Company was incorporated on April 8, 1852 by the Pennsylvania legislature to construct a line of railroad between Philadelphia, PA and Bethlehem, PA, which its successor, the North Pennsylvania Railroad Company accomplished.

On October 3, 1852, the Philadelphia, Easton and Water Gap Railroad Company changed its name to The North Pennsylvania Railroad Company. The railroad line constructed by that company between Philadelphia, PA and Bethlehem, PA opened for operation on July 7, 1857. The segment of that line that is the subject of this proceeding is the final remaining 3.7 miles of track at Bethlehem, PA that have not been previously abandoned or sold to SEPTA.

On May 1, 1879, The North Pennsylvania Railroad Company property was leased for a term of 990 years to The Philadelphia and Reading Railroad Company.

The mortgage on The Philadelphia and Reading Railroad Company property was foreclosed in 1896. The Philadelphia and Reading Railroad's properties were sold on September 23, 1896. On October 17, 1896, the Philadelphia and Reading properties were reorganized as Philadelphia and Reading Railway Company, and

various subsidiaries. The properties of their lessor companies continued under lease. The Reading Company was the holding company for the Philadelphia and Reading Railway system companies and various other properties, mostly coal mines and processing facilities.

On December 31, 1923, pursuant to a court decree, the Reading Company merged twelve of its wholly-owned operating subsidiaries, including the Philadelphia and Reading Railway Company, into one operating company under the Reading Company name and divested itself of its coal properties. The Reading Company adopted certain leases of the Philadelphia and Reading Railway Company and its other predecessors, including the 1879 lease of the North Pennsylvania Railroad Company property to The Philadelphia and Reading Railroad Company.

The Temple University Library contains a publication entitled: History of the North Pennsylvania Railroad, by Jay V. Hare. Reading Company. January 1944. 31 p. [912-13]

The Reading Company filed a petition for reorganization under Section 77 of the Bankruptcy Act in the United States District Court for the Eastern District of Pennsylvania on November 23, 1971. At that time, North Pennsylvania Railroad Company was still leased to the Reading Company. Reading Company also owned 27,874 shares of the North Pennsylvania Railroad Company's 110,453 shares of outstanding stock.

At the end of 1971, North Pennsylvania Railroad Company had 56.51 miles of line between Philadelphia, PA and Bethlehem, PA, 6.61 miles of line between

Fairless Junction, PA and Morristown, PA, 21.12 miles of the Delaware River Branch and 10.07 miles of the Doylestown Branch, totaling 94.31 miles, with 73.28 miles of second track, 41.49 miles of other main and passing track and 26.23 miles of way and yard tracks for a total of 235.31 miles of track.

The North Pennsylvania Railroad Company properties, including the subject Line, remained under the control of the Reading Company throughout the Reading Company bankruptcy, until the formation of Consolidated Rail Corporation on April 1, 1976. On April 1, 1976, the North Pennsylvania Railroad Company lease to the Reading Company was terminated. To the extent the North Pennsylvania Railroad Company was included in the Final System Plan for the consolidation of bankrupt northeastern and midwestern railroads into Conrail, the North Pennsylvania Railroad property, including the Line, was conveyed to Conrail. Conrail liquidated the North Pennsylvania Railroad Company in 1982.

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Consolidated Rail Corporation held title to and operated the property which it had acquired under the now defunct United States Railway Association's (USRA) "Final System Plan" for reorganization of the bankrupt northeastern and midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway, the Reading Company, Erie Lackawanna Railway Company, and a small portion of the Ann Arbor Railroad Company). The Final System Plan had been submitted to Congress

on July 26, 1975 and automatically approved after 60 days without further action by Congress under the Regional Rail Reorganization Act of 1973 (3R Act).

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

In STB Docket No. AB-167 (Sub-No. 1177X), Consolidated Rail Corporation -
- Discontinuance Exemption -- in Montgomery and Bucks Counties, PA, 62 FR
6617, dated Wednesday, February 12, 1997, the STB exempted Consolidated Rail
Corporation (Conrail) from the prior approval requirements of 49 U.S.C. 10903 to
permit Conrail to discontinue service pursuant to its trackage rights over
Southeastern Pennsylvania Transportation Authority's (SEPTA) 14.9-mile line of
railroad, known as the Bethlehem Branch, between milepost 30.5, near Telford, PA
and milepost 45.4, near Quakertown, PA, in Montgomery and Bucks Counties, PA.

Most of the Bethlehem Secondary had been conveyed to SEPTA by Conrail,
with Conrail reserving trackage rights for freight service, before or at the time of
Conrail entered into an October 1990 Trackage Rights Agreement with SEPTA.
The final segment of the line that was conveyed by Conrail to SEPTA is the
segment adjacent to the segment to be abandoned. That adjacent segment is
located between Milepost EK-45.4 at Coopersburg, PA and Milepost EK-53.1 at
High Street in Hellerstown, PA. Conrail conveyed it to SEPTA by indenture dated
August 3, 1992.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648,
*Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western
Railway Company*, served August 31, 1998, Norfolk Southern Railway Company
(NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective
September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway

Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets, including Conrail's remaining interest in the Line, were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. As a result of the transaction, Norfolk Southern's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

The Conrail Transaction Agreement, in relevant part, permitted NSR to enter into various transactions with regard to the assets allocated to PRR, which include the Line. These permitted transactions included the abandonment or discontinuance of service over rail lines that were included, or over rail lines for which the freight operating rights or easements or trackage rights were included, among the allocated assets.

On June 4, 2003, Norfolk Southern Corporation (NS), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NS, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating. NSR and CSXT had been managing and operating the allocated assets of PRR and NYC, respectively, since June 1, 1999 under operating agreements approved by the STB in a 1998 decision. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient.

The change contemplated in the operation of the remaining small segment of the Bethlehem Secondary, the Line of railroad that is the subject of this STB

abandonment proceeding, after the STB grants an exemption from the prior approval requirements of the ICCTA with respect to the line's abandonment, is for Pennsylvania Lines LLC to abandon and for Norfolk Southern Railway Company to permanently discontinue providing freight service over the Line. Abandonment of the Line is justified inasmuch as there is no demand for rail freight service over the Line and it can no longer be profitably maintained or operated in rail freight service. As a result of this action, PRR's and NSR's common carrier obligation to provide freight service over the Line will be abandoned and extinguished. The property will become ordinary real estate under state law, no longer subject to STB regulation. This will enable NSR to redeploy this non-productive asset into more productive uses in providing rail freight service to the shipping public. The current plan for the property itself is to convey much or all of it to the City of Bethlehem and to use the proceeds for more productive purposes. SEPTA had a right of first refusal to acquire the property upon Conrail's, and subsequently NSR's, abandonment of it. SEPTA declined to exercise that right in a letter to Norfolk Southern dated November 13, 2002, thus enabling NSR on behalf of PRR to convey part or all of the property to the City of Bethlehem.

- (6) **Summary of Documents In Carriers' Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structure on the line.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- It is carriers' opinion that the structure on the line to be abandoned does

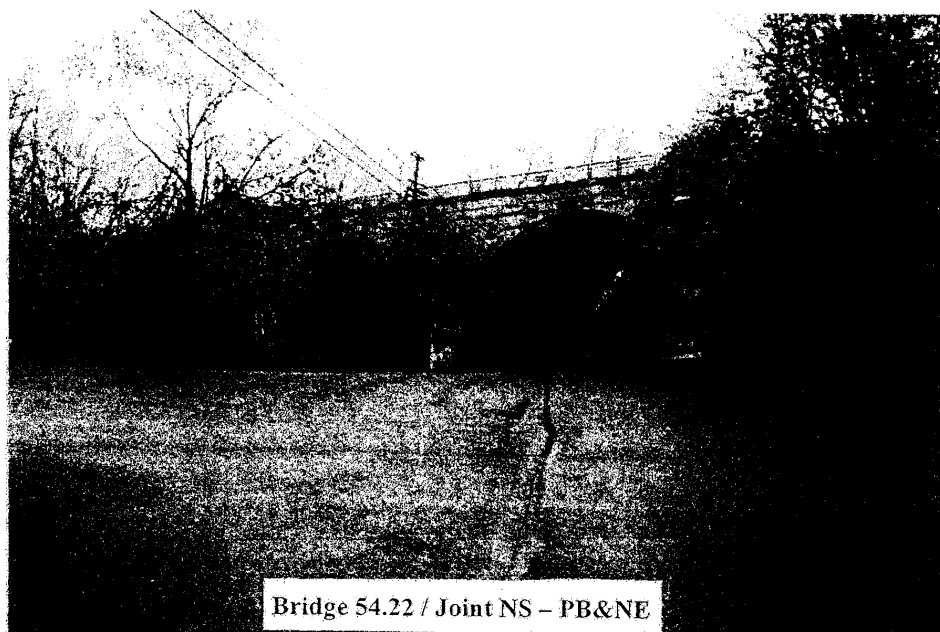
not meet the criteria for listing in the *National Register of Historic Places*. The structure is a small bridge which is short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridge from others in the region. The bridge will remain in place and will continue to be used by the Philadelphia Bethlehem and New England Railroad. The line passes through mostly industrial and commercial with some residential. Carriers have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** –

Carriers are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

(9) **Follow-Up Information** -- Additional information will be provided as appropriate.

BETHLEHEM BRANCH	COOPERSBURG & BETHLEHEM	PA	45.4	56.7	14	0301		
46.62 14 39 COPRSHG	JACOBY RD	CB	3	1	24	24 1915 01 01	83	1
50.23 14 48 BINGEN	STREAM	IB	C	2	1	11 1963 01 01	83	0
50.56 14 48 BINGEN	BINGEN RD	IB	C	2	1	34 1917 01 01	83	0 1 LR48001
50.91 14 48 BINGEN	SAUCON CRK	CA	2	2	38	76 1917 01 01	83	
50.99 14 48 BINGEN	MILL RACE	CS	2	1	10	10 1917 01 01	83	
51.62 14 48 BINGEN	SAUCON CRK	DG	C	2	46	1917 01 01		4
		DG	C	2	1	51 143 1917 01 01	83	4
52.40 14 48 HELRTWN	SAUCON CRK	IB	C	2	1	27 1968 01 01	83	0
53.21 14 48 HELRTWN	HIGH ST	TI	P	2	15	1910 01 01 207		6
		TI	P	2	1	25 55 1910 01 01	83	6
53.39 14 48 HELRTWN	STORM WATER CS		7	1	14	14 1917 01 01	83	
53.60 14 48 HELRTWN	SILVEX ROAD CB		15	1	26	26 1917 01 01	83	1
54.17 14 48 HELRTWN	HELRTWN RD	CA	1	1	40	40 1912 01 01	83	1 BETHLEHEM
54.22 14 48 HELRTWN	MILSIDE DR	CA	4	2	66	132 1912 01 01	83	1 SAUCON CR
54.30 14 48 HELRTWN	FIRE LANE	CA	4	1	28	28 1917 01 01	83	
54.31 14 48 HELRTWN	SIGNAL BR	TT	3	1	46	46 01 01	83	
54.74 14 48 BETHLHM	LYNN AVE	TT	C	10	1	205 1928 01 01	83	6 CITY PAYS
54.94 14 48 BETHLHM	FOURTH ST	TT	C	10	2	110 220 1906 06 06	83	1
55.31 14 48 BETHLHM	FOOTBRIDGE	TT	P	3	1	50 50 1928 01 01	83	HOBART ST
56.62 14 48 BETHLHM	FOOT TUNNEL	CB	1	1	10	10 1958 01 01	83	
56.63 14 48 BETHLHM	BAG TUNNEL	CB	1	1	16	16 1958 01 01	83	
56.66 14 48 BETHLHM	STORM WATER	CP	2	1	11	11 1961 06 06	83	
56.67 14 48 BETHLHM	HIGHWAY	TT	C	1	1	165 1916 01 01	83	2 TR 12 4



Bridge 54.22 / Joint NS - PB&NE

Proof of Publication Notice in The Morning Call

Under Act No. 587, Approved May 16, 1929, and its amendments

STATE OF PENNSYLVANIA }
COUNTY OF LEHIGH } ss:

COPY OF NOTICE OR ADVERTISEMENT

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Pennsylvania Lines LLC (PRR) and Norfolk Southern Railway Company (NSR) give notice that on or about January 21, 2004, they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments, permitting PRR's abandonment and NSR's discontinuance of service on a 3.70-mile line of railroad between milepost EK-53.0, near Hellertown, and milepost EK-56.7, near Bethlehem, which traverses through United States Postal Service ZIP Codes 18015, 18016, 18017, 18018, 18019, 18020 and 18055 in Northampton County, Pennsylvania. The proceeding will be docketed as No. AB-859 (Sub-No. 1X) as to PRR and No. AB-290 (Sub No. 245X) as to NSR.

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

Glenn Adams, Credit Manager

of THE

MORNING CALL, INC., of the County and State aforesaid, being duly sworn, deposes and says that THE MORNING CALL is a newspaper of general circulation as defined by the aforesaid Act, whose place of business is 101 North Sixth Street, City of Allentown, County and State aforesaid, and that the said newspaper was established in 1888 since which date THE MORNING CALL has been regularly issued in said County, and that the printed notice or advertisement attached hereto is exactly the same as was printed and published in regular editions and issues of the said THE MORNING CALL on the following dates, viz.:

and the 19TH day of DECEMBER A.D. 20 03

Affiant further deposes that he is the designated agent duly authorized by THE MORNING CALL, INC., a corporation, publisher of said THE MORNING CALL, a newspaper of general circulation, to verify the foregoing statement under oath, and the affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Designated Agent, THE MORNING CALL, INC.

SWORN to and subscribed before me this 19th day of

DECEMBER 20 03

COMMONWEALTH OF PENNSYLVANIA

Notary Seal
Gayle M. Jenkins, Notary Public
City of Allentown, Lehigh County
My Commission Expires Jan. 29, 2005

Member, Pennsylvania Association of Notaries

My Commission Expires:

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

THE MORNING CALL, INC., publisher of THE MORNING CALL, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

THE MORNING CALL, INC. a Corporation,
Publishers of THE MORNING CALL
A Newspaper of General Circulation

By

Record # 1E+0



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2759

January 9, 2004

Mr. William Shane, Chairman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Regional Director
National Park Service
U. S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. (2540)
Washington, DC 20242-0004

Re: STB Docket No. AB-859 (Sub-No. 1X), Pennsylvania Lines, LLC – Abandonment – STB
Docket No. AB-290 (Sub. No. 245X), Norfolk Southern Railway Company – Discontinuance
of Service - Between Hellertown and Bethlehem, Pennsylvania

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Pennsylvania Lines, LLC (PRR) and Norfolk Southern Railway Company (NSR) hereby give notice that on or about January 21, 2004, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit PRR's abandonment and NSR's discontinuance of service of a 3.70-mile line of railroad lying between Milepost EK-53.0 at Hellertown and Milepost EK-56.7 at Bethlehem, Northampton County, Pennsylvania (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall